

JONATHAN ANIM, A# 089 437 035 )

Plaintiff, )

v. )

C.A. No. 11-10877-JLT

ERIC HOLDER, ET AL., )

Defendants. )

MEMORANDUM AND ORDER

TAURO, D.J.

On May 4, 2011, Plaintiff Jonathan Anim (“Anim”) filed a self-prepared Petition for Writ of Mandamus seeking a declaratory judgment with respect to his immigration application with the United States Citizenship and Immigration Services (“USCIS”). Summonses issued and Anim has attempted to effect service of process on the Defendants.

It appears that Anim has served the summonses on all federal Defendants; however, it does not appear that he has served a copy of the Complaint and summons on U.S. Attorney Carmen Ortiz. Thus, it does not appear that proper service has been made in this matter. Nevertheless, Anim sent an e-mail to Clerk of Court Sarah Thornton, seeking a default. As a result, October 17, 2011 this Court entered the following Electronic Order:

On October 17, 2011, the Clerks Office received an e-mail from Plaintiff seeking a default of the Defendants and a ruling on the merits in his favor. Plaintiff is advised that the District Court does not accept e-mail requests to the Clerk's Office for relief. Therefore, any request for relief by the Plaintiff contained in the e-mail request to the Clerk is hereby DENIED without prejudice. As an additional matter, this Court notes that Plaintiffs request for default is unfounded as it does not appear that he has complied with Fed. R. Civ. P. 4(i)(1)(A) to effect proper service on the federal defendants. Accordingly, any request for the entry of default is DENIED. Finally, Plaintiff is directed that, in the future, he shall not send e-mail requests to the Clerks Office. Should he seek any form of relief in this action, he must file, in writing or electronically on CM/ECF (if he is registered), a motion clearly specifying the relief sought and the grounds warranting relief. Any duly-filed motion will be entered on the Courts docketing system for the public record and available for public view, unless otherwise ordered.

Thereafter, on November 3, 2011, Anim sent another e-mail to Clerk Sarah Thornton, as

follows:

Dear Sarah Thorton....my name is Jonathan Anim I am sending this email in regards to the above case number. Upon summonses issued by the Honorable Judge Joseph L. Tauro on 6/13/2011 and further ordered to serve on defendants under federal rule of civil procedure 4(m)...the summonses with all attached documents was served on defendants through the united states marshall in which I have copies of the executed service on the defendants and I also have copies sent to me by the court for return executed on all the defendants and also have copies of the united states marshall form USM-285 that is the notice of service(yellow page, number 3 of the USM-285 proving service on defendants). These copies can be sent to the court upon further verification of service under rule 4(m). The recent decision entered in this case is not clear as to the exact error of service and the issue still remains as the defendants failed to respond to the summonses. I would also respectfully want to know if a motion can be filed to reconsider the decision recently entered by the court. Thank you very much and hope to hear from you very soon.. Respectfully submitted...Jonathan Anim, Pro se.

The Court considers this second e-mail by Anim to be in violation of the Electronic Order of October 17, 2011 prohibiting requests e-mail from the Clerk's Office in lieu of a duly filed motion for the public record. In light of this, the Court deems a further Order is necessary to ensure proper case management as well as to preserve the integrity of public records of actions proceeding in this Court.

Further, it appears that Anim was removed from the United States on September 27, 2011. Nevertheless, Anim's removal does not provide him authority to send e-mail communications to the Clerk's Office seeking relief from this Court, circumventing the rules of procedure requiring documents to be filed with the Court for the public record. Moreover, to the extent that Anim may seek to have a third party file pleadings on his behalf, he is advised that a non-attorney may not represent Anim in this action, and thus may not file documents on his behalf. While Anim is free to seek advice and assistance from any source he chooses, this Court prohibits a non-attorney from representing another. Thus, any document filed by Anim must

contain his signature in accordance with Rule 11 of the Federal Rules of Civil Procedure, or must be filed by a duly-licensed attorney appearing on his behalf.

ORDER

Based on the foregoing, it is hereby Ordered that:

1. Plaintiff Anim is hereby PROHIBITED from communicating with any Clerk's Office staff by e-mail. Failure to comply with this Order will result in the imposition of sanctions, including dismissal of this action. All communications regarding this action shall be made in writing for the public record, and/or telephonically to the courtroom clerk (Zita Lovett) or to the docket clerk (Clarilde Geraldino-Karasek) in the first instance;<sup>1</sup>
2. Plaintiff Anim is PROHIBITED from filing any "letters" seeking relief. Should Plaintiff seek relief from this Court in any fashion, he must file a motion specifying the relief sought and the grounds for relief;
3. Anim must sign any pleadings filed by him in accordance with Fed. R. Civ. P. 11, unless the filing is made by a duly-licensed attorney appearing on his behalf;
4. To the extent Plaintiff seeks reconsideration or clarification of the Electronic Order of October 17, 2011, his requests are DENIED; and
5. This action shall be dismissed within 35 days of the date of this Electronic Order unless Plaintiff files written proof (not by e-mail) that he has complied with Fed. R. Civ. P. 4(i)(1)(A) effecting proper service on the Defendants (*i.e.*, that he has served the United States Attorney for the District where the action is brought, or an authorized designee).

SO ORDERED.

/s/ Joseph L. Tauro  
JOSEPH L. TAURO  
UNITED STATES DISTRICT JUDGE

DATED: November 21, 2011

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<sup>1</sup>Plaintiff is advised that Clerk's Office staff may not render legal advice (strategic or otherwise), legal assistance, or perform legal services on his behalf.